

**Notice of Allowability**

Application No.

09/405,807

Examiner

Yogesh C. Garg

Applicant(s)

ECKEL, JOHN R.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/2006.
2. ☒ The allowed claim(s) is/are 1-75 and 80-84.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 7/18/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/18/2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other

  
YOGESH C. GARG  
PRIMARY EXAMINER  
TECHNOLOGICAL CENTER

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/18/2006 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 7/18/2006 was filed after the mailing date of the Notice of Allowance on 6/14/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. After consideration of the said IDS, claims 1-75 and 80-84, as amended in the Examiner's Amendment mailed on 6/14/2006 are allowed for the same reasons as presented in the earlier Notice of Allowance mailed on 6/14/2006 and being reproduced below.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Mr. Spencer C. Patterson on 7/17/2006. Claims 76-79 are canceled:

Claim 76: (canceled)

Claim 77: (canceled)

Claim 78: (canceled)

Claim 79: (canceled)

#### ***Allowable Subject Matter***

4. Claims 1-75 and 80-84 are allowed. Claims 1,18,25,37,45,53, and 61 are independent, claims 2-17, 19-24, 26-36, 38-44, 46-52, 54-60, 62-75 and 80-84 are dependent claims.

The following is an examiner's statement of reasons for allowance:

#### ***Reasons for Allowance***

##### **Claims 1-24, 34-36, 69-70, 73-75 & 80-84**

4.1. The prior art of record neither anticipates nor renders obvious a computerized method and a system implementing, inter alia, as a whole, the steps of maintaining a database of personal information of a consumer, the database associated with a plurality of domain names and the personal information including a list of preferred

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providers of the consumer, receiving a search request initiated by the consumer over a global communication network, the request comprising a domain name identifying a type of goods or services, without identifying a specific provider thereof, identifying, in response to the request, at least one provider, presenting the provider to the consumer and being able to complete the transaction with that provider and updating the personal information of the consumer based upon the completed transaction for future use in a subsequent request initiated by the consumer and the request including a different one of the plurality of domain names and the domain name included in the subsequent request including an identification of the subject of the subsequent request(see at least independent claims 1 and 18).

**Claims 25-33, 37-44 and 71**

4.2. The prior art of record neither anticipates nor renders obvious a computerized method and a system implementing, inter alia, as a whole, the steps of storing personal information of a consumer in a database/intermediary system, receiving a request initiated by the consumer over a global communication network, the request comprising a domain name identifying a type of goods or services/subject of the request, without identifying a specific provider thereof, selecting in response to the request, at least one provider based upon the personal information stored, forwarding the selected provider to the consumer for enabling the consumer to communicate or complete the transaction with that provider and updating the personal information of the consumer associated with at least one preferred provider based upon the provider

chosen to communicate or compete the transaction for future use in a subsequent request initiated by the consumer (see at least independent claims 25 and 37).

### **Claims 45-68,71-72**

4.3. The prior art of record neither anticipates nor renders obvious a computerized apparatus implementing, inter alia, as a whole, the steps of maintaining a database of personal information relating to a consumer, receiving a search request initiated by the consumer over a global communications network, the search request having a single set of characters forming a plurality of fields, a first field having a common name as between different search requests and a second field identifying the type of goods or services to be searched without specifying a specific provider of goods or services, selecting, responsive only to the search request without additional search information being directly provided by the consumer, at least one provider of the type of goods or services requested, this at least one provider being identified based upon the personal information relating to the consumer in the database, presenting the at least one provider to the consumer, and enabling the consumer to communicate or complete a transaction with the provider wherein the personal information of the consumer in the database is updated to reflect the consumer communicating/completing a transaction with the selected provider

The above reasons of allowance is written specifically related to the language/limitations recited in claim 45, but the other independent claims 53 and 61

recite language/limitations closely parallel to that of claim 45 and are therefore allowable on the same reasons cited above.

5. The subject matter of all the allowed claims is supported by the disclosure (see applicant's "summary of invention " on pages 2-6 of the Supplemental Appeal Brief filed on 8/15/2005 in particular with all the independent claims 1, 18, 25, 37, 45, 53 and 61)

6 Discussion of most relevant prior art:

The following references have been identified as most relevant prior art to the claimed invention(s).

(a) The most closely applicable prior art of record is referred to combination of Dean et al. (US Patent 6,055,512) in view of Traderonline (Traderonline.com-Press release, " Florida Tops Boat Trader ® Online Activity ", PR Newswire, New York; Sep 22, 1998, pages marked 1, 2, copy of listing of various Internet sites of Traderonline.com as published in 1997, pages marked 3,4,5, Press release, " Seattle Tops RV Trader ® Online Activity ", PR Newswire; New York; Sep 25, 1998, pages marked 6, and Press Release, " Auto Trader ® Online Partners with The Nalley Companies Offering Best Used Vehicle Selection in Atlanta ", PR Newswire; New York; Nov 9, 1998, all extracted from Internet on 04/04/2002 ) and further in view of Wells et al. (US Patent 6,055,512).

Deal et al. teaches a method and system comprising the steps of maintaining a database of personal information relating to a consumer, the personal information having been previously provided by the consumer and including consumer-identified

preferred providers (at least see, col.6, lines 23-41, “ *Referring to FIG.4...stored data in a database 400....stores the user data in database 400...user data specifies personal preferences or other information as described above.....*” . Also see col.2, lines 34-36, ), receiving a request initiated by the consumer and transmitted over a global communication network to a system (at least see, col.5, lines 2-17, “ *..The gateway devices connect to appropriate...public switched telephone network 105, or a cable TV network 106,...or an on-line service.....Compuserve @..wide area network 107....Internet 108...*”), selecting, responsive to the received request, initiated by the consumer and based upon the personal information relating to thereto in the database, at least one name of at least one provider and forwarding the selected at least one name of the at least one provider from said system to said consumer, wherein said consumer is subsequently capable of choosing a provider from the selected at least one provider to communicate therewith (at least see, col.6, line 41-col.7, line 43, “ *... The user data specifies personal preferences.....The database also stores a set of service data comprising a list of electronic addresses...for retrieval....leisure interests, travel arrangements, local restaurants.....processor operates a set of search and display algorithms...searches user data....personal references...retrieves data items...displays ..on a user interface....*”).

Traderonline discloses a website facilitating search for different products , such as automotives, aircrafts, boats, trucks, motorcycles, etc. by connecting to individual websites for each of these products and these individual websites have domain names comprising a common name in “ Trader Online” and first field identifying the product, such as boat, auto, Big Truck, etc the product that website supplies (see pages 1-9) without identifying a specific provider.

Wells discloses maintaining a database of user-specific profiles which are accessible on a global communication network and these user-specific profiles are updated each time a user completes a transaction (see at least col.4, lines 1-57, "*..... establishing a user-specific profile on a web-site which is accessible via a global communication network and which has an associated database for storing financial transaction information received from a plurality of users. .... The database profile can then be periodically updated, for example, each time a user connects to the web-site. ....*", and col.15, lines 36-53, "*..... The status of each transaction is dependent on the last transaction information received from client computer.sub.n 106. The status is either downloaded or not downloaded. Server 121 determines which transaction should be downloaded to computer.sub.n 106 based on the last transaction information received from computer.sub.n 106.....*" .). But neither one of them as individually or combined discloses or renders obvious the novel features, underlined above, as a whole.

7. The arguments by the applicant (see pages 7-16 of Supplemental Appeal Brief filed on 8/15/2005) that the combination of cited references does not establish a *prima facie* case of obviousness is compelling.

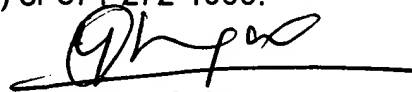
8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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9/18/2006